

07 CIV 9692

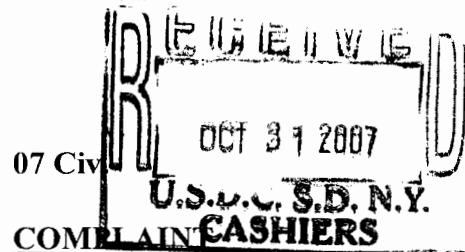
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
BREFKA & HEHNKE GmbH & CO. a/s/o/ MMI
USA CORP.,

Plaintiff,

- against -

RDD FREIGHT INTERNATIONAL, INC.,

Defendant.



Plaintiff, BREFKA & HEHNKE GmbH & CO. a/s/o/ MMI USA CORP., by and through their attorneys, CASEY & BARNETT, LLC as and for its Complaint against RDD FREIGHT INTERNATIONAL, INC., respectfully alleges upon information and belief:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure. Jurisdiction is predicated upon 28 U.S.C. § 1333.

2. Plaintiff, BREFKA & HEHNKE GmbH & Co., was and is a foreign corporation with a place of business located at Morsenbroicher WEG 151, 40470, Dusseldorf, Germany. Plaintiff was and is the subrogated underwriter of a consignment of steel laden aboard the M/V KANG SHUN, as more fully described below.

3. Plaintiff, MMI USA CORP., is a corporation organized and existing pursuant to the laws of one of the States of the United States, with a place of business located at One Parker Plaza, Fort Lee, New Jersey 07024, and was the cargo owner of steel tubes laden on board the M/V KANG SHUN, as more fully described below.

4. Defendant, RDD FREIGHT INTERNATIONAL, INC., is a corporation or other business organization, with a place of business located at 168-01 Rockaway Boulevard, Jamaica, New York, was and is doing business in this jurisdiction directly and/or through an agent, and at all times acting in the capacity of a non vessel owning common carrier (NVOCC).

5. Plaintiff brings this action on its own behalf and as agent/trustee on behalf of and for the interest of all parties who may be or become interested in the said consignment, as their respective interests may ultimately appear, and Plaintiff is entitled to maintain this action.

6. On or about September 20, 2006, a consignment consisting of 298 bundles of cold forged rectangular steel tubes, then being in good order and condition, was delivered into the care and custody of defendant RDD, and/or its agents, in Shanghai, China for transportation to Houston, Texas aboard the M/V KANG SHUN in consideration of an agreed freight, pursuant to RDD Freight International, Inc. bill of lading number RDDGSH609579, dated September 20, 2006.

7. Thereafter, the consignment of steel tubes was loaded aboard the M/V KANG SHUN and the vessel sailed for its intended destination.

8. On or about, October 31, 2006, the M/V KANG SHUN arrived in Houston, Texas, whereupon, the aforementioned consignment of steel tubes was discharged from the vessel.

9. During discharge, certain of the bundles were observed to have sustained rust damages. Following the discharge, a survey of the cargo revealed that 114 of the bundles had sustained varying degrees of rust and/or physical damage.

10. The damage to the aforementioned consignment did not result from any act or omission on the part of plaintiff, but, to the contrary, was the result in whole or in part, of the negligence and/or fault and/or breach of contract and/or breach of bailment of the defendant.

11. By reason of the foregoing, plaintiff has sustained damages in a total amount of \$25,000, as nearly as presently can be determined, no amount of which has been paid, although duly demanded.

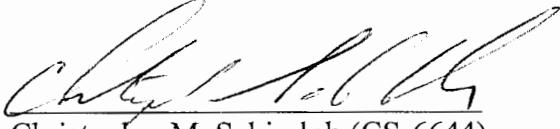
WHEREFORE, Plaintiff prays:

1. That process in due form of law may issue against Defendant citing it to appear and answer all and singular the matters aforesaid;
2. That judgment may be entered in favor of Plaintiff against Defendant for the amount of Plaintiff's damages, together with interest and costs and the disbursements of this action; and
3. That this Court grant to Plaintiff such other and further relief as may be just and proper.

Dated: New York, New York
October 30, 2007
228-18

Respectfully submitted,

CASEY & BARNETT, LLC

By: 

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